

JUL 01 2005



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Our File: 4925-34

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SECOND APPEAL BRIEF
FOR
U.S. PAT. APP. SER. NO. 09/503,362

Contents: 10 pages of Appeal Brief

As indicated on the enclosed Notice of Appeal, the Appeal Brief fee has already been paid, please charge the \$450 fee for a two month extension of time (and any other required fees) to our PTO DEPOSIT ACCOUNT NO. 03-2412.

Cohen, Pontani, Lieberman, and Pavane


Teodor J. Holmberg, Reg. No. 50, 140

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Attorney Docket # 4925-34

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

PEKKA J. HEINONENSerial No.: **09/503,362**Filed: **February 14, 2000**For: **Wireless Application Protocol
Television**Examiner: Senfi, B. M.
Group Art: 2613I hereby certify that this correspondence is being
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Office (P.O. No. (703) 872-9306)
on:July 1, 2005
(Date of Deposit)Tender J. Heinonen
Name of applicant, assignor, or Registered RepresentativeSignature
July 1, 2005
Date of Signature**Via Facsimile: (703) 872-9306****SECOND APPEAL BRIEF**

SIR:

In response to an Appeal Brief filed on August 2, 2004, the Examiner reopened prosecution by issuing an Office Action on November 4, 2004. In response, applicant filed a Second Notice of Appeal on March 1, 2005: this is appellant's brief in accordance with 37 C.F.R. §41.37.

Applicant hereby requests a two month extension of the period set by the filing of a Second Notice of Appeal on March 1, 2005. **Please charge \$450 for the government fee to our Deposit Account 03-2412.**

Because the fees for filing a Notice of Appeal and for filing an Appeal Brief have already been paid (on May 3, 2004 and August 2, 2004, respectively), and a final Board decision has not been made regarding that appeal, it is believed that **the Appeal Brief filing fee is not required at this time.** However, if any fees are required at this time, please charge them to our Deposit Account 03-2412.

The sections below are numbered in accordance with §41.37(c).

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(i) Real Party in Interest:

The real party of interest herein is Nokia Corporation, Keilalahdentie 4, Espoo, Finland, FIN-02150.

(ii) Related Appeals and Interferences:

There are no related appeals and/or interferences of which appellant is aware.

(iii) Status of Claims:

The application was filed with Claims 1-13, of which Claims 1 and 8 were in independent form. Claims 1, 8, and 10 were amended, and Claims 14-19 were added (Claims 14-15 being in independent form), in an Amendment dated December 3, 2003. No further additions or amendments were made after the December 3, 2003 Amendment; thus, Claims 1-19 are pending, with Claims 1, 8, 14, and 15 being in independent form.

(iv) Status of Amendments:

There was no amendment filed subsequent to the final rejection.

(v) Summary of Claimed Subject Matter:**Independent Claim 1**

The invention claimed in independent Claim 1 is a data processing system comprised of a mobile terminal (e.g., mobile terminal 12 in FIG. 2), an output device (e.g., TV monitor 24 in FIG. 2), and an interface module (e.g., interface module 22 in FIG. 2) connected to the data bus of the mobile terminal. The interface module takes data from the mobile terminal and converts the data so that it can be output on the output device (see lines 5-11, page 4).

The interface module comprises a protocol stack (e.g., WAP Protocol Stack 28 and/or SMTP Protocol Stack 28' in FIG. 2), a user agent (e.g., User agent 30 in FIG. 2), and a signal generator (e.g., TV Signal Generator 32 in FIG. 2). The protocol stack receives and then processes data received from the data bus of the mobile terminal before forwarding the processed data to the

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user agent, which decodes the processed data (see line 28, page 7, to line 4, page 8, and lines 6-8, page 9). Finally, the signal generator receives the decoded data and converts the decoded data into a format appropriate for the output device "so that the output device presents at least one of audio, video, and textual information to the user" (see lines 2-4, page 8, and lines 9-11, page 9).

Independent Claim 8

The invention claimed in independent Claim 8 is a method of presenting data transmitted to and from a data bus of a mobile terminal using an interface module. In the first step of the claimed method, data from the mobile terminal is processed in accordance with at least one communication protocol (see lines 6-8 and 20, page 9). In the second step of the claimed method, the processed data is decoded and outputted by a user agent (see lines 8-9 and 20-21, page 9). In the third step, the decoded data is converted into signals for presentation by an output device (see lines 9-10, page 9, and line 20, page 9, to line 1, page 10). In the fourth step, information is presented on the output device based on the signals from the third step (see lines 9-10, page 9, and line 20, page 9, to line 1, page 10).

Independent Claims 14 and 15

The wording of independent Claims 14 and 15 is identical to independent Claims 1 and 8, respectively, except that (1) Claims 14 and 15 explicitly recite that the output device has "a large screen relative to [the screen] of the mobile terminal"; and (2) the steps recited in Claim 15 do not have letters for labels, as the steps in Claim 1 do.

(vi) Grounds of Rejection to be Reviewed on Appeal:

Claims 1-2, 7-10, and 14-15 were rejected under 35 U.S.C. §102(b) as being anticipated by Spaur et al. (US 5,732,074).

Claims 1, 8, and 14-15 were rejected under 35 U.S.C. §102(e) as anticipated by Rakib (US 2002/0019984).

(vii) Argument:

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Spaur et al. teach a system in which a person may use a remote computer terminal to access the components in a moving vehicle. Such a system could be used in an ambulance so that a hospital could remotely monitor a patient being delivered to the hospital (see, e.g., col. 1, lines 27-34). As shown in FIG. 2 of Spaur et al., a remote computer terminal 10a, such as a desktop PC, connects to the Internet 68 through a dialup modem 64. The Internet 68, in turn, is connected to a cellular telephone network through a modem 76 so that remote computer terminal 10a can use the airlink of the cellular telephone network to call cellular telephone 80. Cellular telephone 80 is physically connected by telephone interface 84 to the car controller 122 through a converter 30. By means of these various communication links, both wireless and wired, the user of remote computer terminal 10a can access and control devices 50a-50n located in an automobile.

By contrast, Claims 1, 8, 14, and 15 describe a system and method for an interface module which connects to the data bus of a mobile terminal, such as a cellular telephone, and allows the user of the cellular telephone to send the output of the cellular telephone to an external output device, such as a television monitor.

The Examiner cites the computer terminal 10a in Spaur et al. as disclosing the "output device" of Claims 1, 8, 14, and 15, cites the cellular telephone 80 in Spaur et al. as disclosing the "mobile terminal" of Claims 1, 8, 14, and 15, and cites the converter 30 in Spaur et al. as disclosing the "interface module" of Claims 1, 8, 14, and 15. However, the "interface module" in Claims 1, 8, 14, and 15 is *located between* the "output device" and the "mobile terminal". The converter 30 which the Examiner cites in Spaur et al. is not located between the cellular telephone 80 and computer terminal 10a.

Moreover, the "interface module" of the claims is connected to *both* the "data bus" of the mobile terminal and the "output device". The converter 30 is not connected to computer terminal 10a (which the Examiner cites as the "output device"), nor is it connected to the air link of Spaur et al. (which the Examiner cites as the "data bus").

Furthermore, the "signal generator" *located within* the "interface module" recited in Claims 1 and 14 converts data into a format that the "output device" can process and present to the user. The Examiner again cites computer terminal 10a in Spaur et al. as teaching this element. But computer terminal 10a is *not* in converter 30 (which the Examiner cites as being the "interface

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module”), but instead is very far removed from it. Further still, the Examiner has cited computer terminal 10a as corresponding to *both* the “output device” and the “signal generator” of the “interface device” in the claims, even though cellular telephone 80 of Spraul et al. is located between computer terminal 10a and converter 30 (which the Examiner cites as the “mobile terminal”).

This lack of correspondence between the locations (and interconnections) of the components recited in the claims and the components cited by the Examiner in Spraul et al. is not a small matter, but rather reflects the profound differences between the claimed components and their supposed counterparts in Spraul et al. The “interface module” recited in the claims acts as an interface between the “mobile terminal” and the “output device”, capable of converting signals from the “mobile terminal” for output on the “output device”. By contrast, converter 30 of Spraul et al., which the Examiner cites as corresponding to the “interface module” recited in the claims, is not located between computer terminal 10a (“the output device”) and cellular telephone 80 (“the mobile terminal”), does not act as an interface between computer terminal 10a and cellular telephone 80, and does not convert or otherwise process signals from cellular telephone 80 for output on computer terminal 10a.

In short, appellant requests that the rejection be withdrawn as faulty, on the basis that none of the components cited in Spraul et al. correspond, either logically, functionally, or physically, to the components in the claims.

Appellant believes that the Examiner has made similar errors in regards to Rakib (US 2002/0019984); however, it is difficult to argue about it because the Examiner has carefully avoided explaining which components in Rakib correspond to which elements in the claims. For example, for the data bus recited in the claims, the Examiner cites “fig. 1”, a drawing showing over 30 components. Similarly, for the output device recited in the claims, the Examiner cites “figs. 1 and 3”.

Although it may be possible to divine the Examiner’s intent in his broad references to Rakib, it is appellant’s position that the applicant should not have to make the Examiner’s rejection for him (i.e., identify the components in Rakib corresponding to the elements in the claims, and also provide

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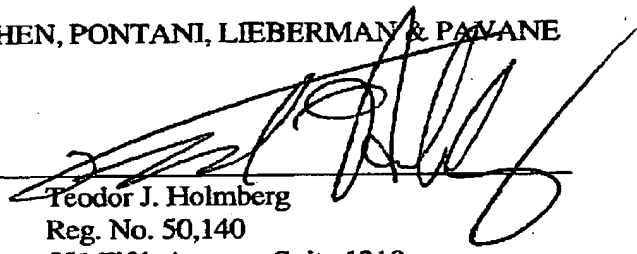
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the argument for those correspondences). Appellant respectfully requests that the rejection over Rakib be fully explained, so that appellant may appropriately respond.

Respectfully submitted,

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(viii) Appendix:**This is a copy of the claims involved in this appeal:**

1. A system for the processing of data to and from a mobile terminal comprising:
a mobile terminal comprising a data bus for receiving and transmitting data to a wireless communication network;
an output device for presenting at least one of audio, video, and textual information to a user; and
an interface module connected to the data bus of the mobile terminal, the interface module comprising:
a protocol stack for processing data to and from the data bus of the mobile terminal in accordance with at least one communication protocol;
a user agent for decoding data to and from the protocol stack; and
a signal generator for converting the decoded data from the user agent into signals formatted for processing by the output device so that the output device presents at least one of audio, video, and textual information to the user based on the signals.
2. The system of claim 1, further comprising:
a user input device, manipulable by the user, for inputting data to the user agent for transmission through the mobile terminal.
3. The system of claim 1, wherein the protocol stack includes the Wireless Application Protocol.
4. The system of claim 3, wherein the protocol stack includes the Short Message Transport Protocol.
5. The system of claim 4, wherein the user agent is a Web browser.

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6. The system of claim 5, wherein the browser is configured to interpret data in accordance with one of the Wireless Application Protocol and the Short Message Transport Protocol.

7. The system of claim 1, wherein the output device is a monitor.

8. A method of presenting data transmitted to and from a data bus of a mobile terminal using an interface module, comprising:

- (a) processing data from a data bus of the mobile terminal in accordance with at least one communication protocol;
- (b) decoding the processed data using a user agent and outputting the decoded data;
- (c) converting the decoded data from the user agent into signals for presentation by an output device; and
- (d) presenting information based on the signals by the output device.

9. The method of claim 8, wherein the output device presents the converted on a monitor display screen.

10. The method of claim 8, further comprising the step of:

- (e) receiving user input data by the user agent for transmission by the mobile terminal.

11. The method of claim 8, wherein the at least one communication protocol conforms to the Wireless Application Protocol.

12. The method of claim 8, wherein the at least one protocol conforms to the Short Message Transfer Protocol.

13. The method of claim 8, wherein the user agent is configured as a Web browser.

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14. A system for transmitting data between a mobile terminal and an output device comprising:

a mobile terminal comprising a screen and a data bus for receiving and transmitting data to a wireless communication network;

an output device having a large screen relative to that of the mobile terminal for presenting at least one of audio, video, and textual information to a user; and

an interface module connected to the data bus of the mobile terminal and to the output device, the interface module comprising:

a protocol stack for processing data to and from the data bus of the mobile terminal in accordance with at least one communication protocol;

a user agent for decoding data to and from the protocol stack; and

a signal generator for converting the decoded data from the user agent into signals formatted for processing by the output device so that the output device presents at least one of audio, video, and textual information to the user based on the signals.

15. A method of using an interface module to present data transmitted from a data bus of a mobile terminal on an output device having a large screen relative to that of the mobile terminal, comprising the steps of:

processing data from a data bus of the mobile terminal in accordance with at least one communication protocol;

decoding the processed data using a user agent and outputting the decoded data;

converting the decoded data from the user agent into signals for presentation by an output device; and

presenting information based on the signals by the output device.

16. The system of claim 1, wherein the output device comprises a television monitor.

17. The method of claim 8, wherein the output device comprises a television monitor.

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18. The system of claim 14, wherein the output device comprises a television monitor.

19. The method of claim 15, wherein the output device comprises a television monitor.